

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEFFREY ORLANDO
VANDERPOOL-UBRI,

Petitioner,

V.

CHARLES L. GREEN,

Respondent.

Civil Action No. 18-1151 (JMV)

OPINION AND ORDER

APPEARANCES:

JEFFREY ORLANDO VANDERPOOL-UBRI
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105
Petitioner *Pro Se*

KRUTI D. DHARIA, Esq.
 United States Attorney's Office
 970 Broad Street
 Suite 700
 Newark, NJ 07102
 On behalf of Respondent

VAZQUEZ, United States District Judge

On January 25, 2018, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his detention since July 2017 by the U.S. Immigration and Customs Enforcement (“ICE”). (ECF No. 1 at 3.) This Court ordered Respondent to answer the petition. (ECF No. 3.) On April 16, 2018, Respondent submitted an Order to Detain or Release indicating that Petitioner’s proceedings were terminated and that he was released on March 29, 2018. (ECF No. 5-1.) Respondent contends the habeas petition is moot. (ECF No. 5

at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

IT IS, therefore, on this 17th day of April, 2018

ORDERED that Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

ORDERED that the Clerk shall serve a copy of this Order on Petitioner at his last known address; and it is further

ORDERED that the Clerk shall close this matter.

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge